

REMARKS

Claims 1-28 and 33-45 are pending in the application. Claims 1, 15, 17, 20, 21, 29, 33, 37, 38, 40, 42, and 44 are independent claims.

The examiner rejected claims 1-29 and 37-45 as being directed to non-statutory subject matter.

Applicant has amended claims 1-28 and 37-45 to recite "a computer-implement method." Accordingly, claims 1-28 and 37-45, as amended, are directed towards statutory subject matter.

Applicant has amended claim 29 to recite an "apparatus comprising circuitry to perform actions". Accordingly claim 29, as amended, is directed towards statutory subject matter.

The examiner uses Herz (U.S. Patent No. 5,835, 087) to reject claims 1-8, 10-29, 33 and 37-45 as having been anticipated. The Applicant respectfully disagrees.

Independent claims 1, 15, 17, 20, 21, 29, 33, 37, 40, 42, 44, and 45 recite "a query analysis process for analyzing a query to determine a plurality of links to Internet objects relating to said query, a link weighting process for determining the individual link strength of each of said plurality of links, thus generating a plurality of link strengths and a link strength summing process for determining the sum of said plurality of link strengths, wherein said sum corresponds to the popularity of said text-based object," or similar language.

Herz does not disclose a query analysis process for analyzing a query to determine a plurality of links to Internet objects and a link strength summing process for determining the sum of said plurality of link strengths.

Herz merely discloses "customized electronic identification of desirable objects" (Abstract). In figure 12 used by the Examiner to support his / her arguments, the examiner argues that Herz teaches "the evaluation of the likelihood of interest in a particular target object for a specific user" (column 18, lines 37-39).

Particularly, in step 1201 Herz teaches "certain designated numeric attributes of target object X are specifically selected" (column 18, lines 47-49), which is different than the Examiner's interpretation of "determine of plurality of links to Internet objects". In fact, Herz operates on attributes of the same target object not on a plurality of links to Internet objects, as

required by claims 1, 15, 17, 20, 21, 29, 33, 37, 38, 40, 42, 44, and 45. In step 1203 Herz disclosed that “a weighted sum of the identified weighted selected attributes (of target object X) is computed” (column 18, line 65-67), not a sum of link strengths related to Internet objects, as required by claims 1, 15, 17, 20, 21, 29, 33, 37, 40, and 42. Applicant’s claimed invention sums strengths related to links to different objects, while Herz disclosed summing weighted values of attributes related to the same target object. At most, when addressing a collection of target objects with similar profiles (a “cluster”), Herz averages the attributes to form an aggregate profile (column 4, lines 65-67), but does not sum strengths of links to objects.

Accordingly, claims 1, 15, 17, 20, 21, 29, 33, 37, 38, 40, 42, 44, and 45 are not anticipated by Herz.

The examiner uses Herz to reject claims 9, 30-32, 34-36 as having been obvious.

As described above, Herz teaches customized electronic identification of desirable objects, identifies attributes of target object, weighs values related to identified attributes and sums values of attributes. Herz does not teach a query analysis process for analyzing a query to determine a plurality of links to Internet objects relating to said query, a link weighting process for determining the individual link strength of each of said plurality of links, thus generating a plurality of link strengths and a link strength summing process for determining the sum of said plurality of link strengths, wherein said sum corresponds to the popularity of said text-based object. Further, common knowledge in the art at the time of Applicant disclosure fails to provide for this deficiency in Herz.

Accordingly, claims 9 and 34-36 are not rendered obvious by Herz.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

Applicant : Andrew Golding et al.
Serial No. : 09/902,422
Filed : July 10, 2001
Page : 15 of 15

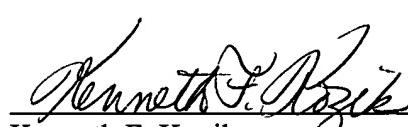
Attorney's Docket No.: 10984-536001 / P264

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: June 23, 2005


Kenneth F. Kozik

Kenneth F. Kozik
Reg. No. 36,572

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906